

**STATE OF HAWAII**  
**Department of Land and Natural Resources**  
**Office of Conservation and Coastal Lands**  
Honolulu, Hawai'i

June 13, 2008

**BOARD OF LAND AND  
NATURAL RESOURCES**  
**State of Hawai'i**  
**Honolulu, Hawai'i**

**FILE NO.: CC KA-08-01**  
Existing 180-Day Exp.: June 27, 2008  
Proposed 180-Day Exp.: July 27, 2008

**REGARDING:** Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) KA-3399 for the Consolidation of Two Parcels and the Construction of the Morrow Single Family Residence (SFR)

**APPLICANT:** David M. and Linda Morrow

**AGENT:** Gregory Mooers,  
c/o Randy Vitousek, Esq., Cades Schutte LLP,  
75-170 Hualalai Road, Suite 303, Kailua Kona, HI 96740

**LANDOWNER:** David M. and Linda Morrow

**LOCATION:** Hā'ena, Hanalei District, Kaua'i

**TMK:** (4) 5-9-03:10, 45

**AREA OF PARCEL:** 03:10: approximately 7,112 square feet  
03:45: approximately 38,555 square feet

**USE:** 3480 square feet

**SUBZONE:** Resource and Limited

**BACKGROUND:**

On July 13, 2007, Roy A Vitousek, III, Esq., acting on behalf of applicants David M. and Linda B. Morrow, requested a Contested Case hearing to challenge the Office of Conservation and Coastal Land's recommendation to deny Conservation District Use Application (CDUA) KA-3399 to consolidate the two above mentioned subject parcels and to construct a single family residence in Hā'ena, Hanalei, Kaua'i.

**TIME EXTENSION REQUESTS:**

At the same time as he petitioned for a contested case hearing Mr. Vitousek requested that the processing period for the application be extended. On July 19, 2007 the Chair of the Board of

Land and Natural Resources granted the request, extending the processing deadline to October 31, 2007. The Board has approved four sixty-day extensions since then.

On May 30, 2008 OCCL received a request from Mr. Vitousek to extend the processing period an additional thirty days [Exhibit 1].

**AUTHORITY FOR GRANTING EXTENSIONS:**

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board."

**DISCUSSION:**

Counsel's request will extend the processing time on the application to July 27, 2008. OCCL believes that this extension will be necessary in order to continue processing the case.

If additional time is needed to process the case, OCCL would need to receive the request by June 28, 2008 in order to bring it before the Board on their July 25, 2008 meeting.

Staff, therefore, recommends as follows:

**RECOMMENDATION:**

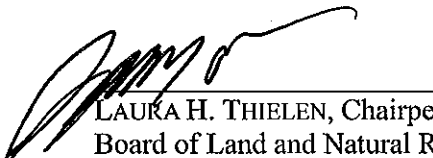
That the Board of Land and Natural Resources grant Mr. Vitousek's request to extend the processing period on CDUA KA-3399 30 days – bringing the deadline to July 27, 2008.

Respectfully submitted,



Michael Cain  
Staff Planner

Approved for submittal:



LAURA H. THIELEN, Chairperson  
Board of Land and Natural Resources

ca des schutte

May 30, 2008

**Roy A. Vitousek III**  
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VIA FACSIMILE (808) 587-0322  
AND VIA FIRST-CLASS MAIL

Michael Cain, Planner  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96809

Re: Conservation District Use Application (CDUA) KA-3399; CC KA-08-01  
Proposed Morrow Living Trust Single Family Residence Project,  
Haena, Island of Kauai, TMK: (4) 5-9-003:010 and 045

Dear Mr. Cain:

Please consider this a request for a 30-day extension of the decision deadline relative to the above-referenced CDUA, which currently expires on June 27, 2008. There have been ongoing discussions between counsel for Applicant and counsel for the Department of Land and Natural Resources. We hope the application can be placed on the Board's agenda within the time provided by this extension.

Thank you for your attention to this matter. As always, if you have any questions or require additional information, please contact me.

Very truly yours,

*Roy A. Vitousek III /tmt*

Roy A. Vitousek III  
for

CADES SCHUTTE  
A Limited Liability Law Partnership

RAV:tmt

cc: Randall K. Ishikawa, Esq.  
Greg Mooers  
David Morrow

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EXHIBIT

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